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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,804	12/15/2003	John E. Larson	LSN-4CDXCD1	4135
7590	01/10/2008			
John Larson P.O. Box 1197 Hamilton, MT 59840			EXAMINER CHAN, KO HUNG	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,804

Applicant(s)

LARSON, JOHN E.

Examiner

Korie H. Chan

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 336-365 and 378-388 is/are pending in the application.
- 4a) Of the above claim(s) 338-357, 359-365, 367, 378, 380-385, 387 and 388 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 336, 337, 358, 366, 368, 379, and 386 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of figure 40 and figure 24 arrangement and claims 336-380 and 386 in the reply filed on October 17, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

After a careful review of the claims and specification, claims 338-357, 359-365, 367,378, 380-385, 387, 388 does not read on the elected figures 40 and 24 arrangement:: claims 338-357, 378, 380, recites three or more telescoping column does not read on the two telescoping column embodiment of elected species figure 40. Regarding claim 359 which claims the slider and slide surface are flat does not read on figure 40 and 24 arrangement since the slider (116, figure 24) is circular without flat surface. Further claim 360 recites stacked pivoting furniture support mechanism also does not read on the elected figure 40 and 24 arrangement. There are no friction control means such as (86, figure 18) as recited in claim 361 in the elected figures. Regarding claim 362, 363, there are no swivel means in the elected figures 40 and 24 arrangement. Claims 364,365 no rotary means in figures 40 and 24. The claims listed above that does not read are numerous applicant should refer to the claims for details.

Consequently, only claims 336, 337, 358, 366, 368, 379, and 386 read on the elected species. Claims 338-357, 359-365, 367,378, 380-385, 387, 388 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a

nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Oct. 17, 2007.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 336, 337, 358, 366, 368, 379, and 386 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant's use of several names for the same component in the claims are confusing. For example, claim 336 at the beginning sets forth "at least two pivots" (line 3) and "a furniture support mechanism" (line 4); However, on lines 15-18, the paragraph starts with "said furniture support mechanismcomprises one said pivot" which is in essence saying that the at least two pivots is part of the furniture support mechanism and not separate as claimed at the beginning of the claim. Such double inclusion of the claimed elements are vague and indefinite. Another example is applicant recitations of "comprising a ball comprising a first ball" or "comprising a ball comprising a second ball". Further regarding claim 336, line 19, "each sliding furniture support mechanism" infers there are more than two which is indefinite since only a first sliding furniture support mechanism is claimed. Further, "one slider surface engaging each said slide surface" on line 20 is vague since only one slide surface is being claimed (see line 5, clm 336). Similarly, on

lines 29-30, "at least one of each engaged slider...move laterally relative to the other" " is vague and indefinite as it infers there's more than one when only one has been claimed in the claim. Further, on claim 336, line 23, "said pivot" is vague as it is not clear which of the "two pivots" claimed applicant is referring to. Regarding claim 379, last two lines, "move laterally relative to the other" is vague as it is not clear what "other" is referring to. The vagueness and indefiniteness found throughout the claims are too many to mention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 336, 337, 358, 366, 368, 379, and 386 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Harmand (US patent no. 4,374,497). Harmand discloses an adjustable pedestal comprising a floor contacting base (2), at least two pivots (9) being balls, furniture support mechanism (9, 11, 10a, 10b, figure 2), one slide surface (the interior surface of cylinder (10) engaged with sliding surface (the outer surface of 11) of a slider (11) of a sliding furniture support mechanism (11) of the furniture support mechanism, furniture component (1 and 10), first and second telescoping columns (four shown) each with upper section (5) and lower section (6) wherein the sliding furniture support mechanism (11) is supported on each upper section, wherein the furniture component (10) and first telescoping column can slide

relative to the other and upon extensions or contractions of the telescoping columns, the furniture component can tilt relative to each telescoping column; regarding claim 358, the slider and sliding surface are curved surfaces (cylindrical); regarding claim 366, the furniture component is a table top.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record demonstrate adjustable pedestal of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Korie H. Chan/
Korie H. Chan, Primary Examiner
Art Unit 3632

khc
January 4, 2008